

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

RANDANE WILLIAMS
SARAIL MICHAEL ARCHILLA
MAXIME P. BLANC
GEOVANNY GERARDO CASTELLANO
ANTONIO MELQUEZIDETH CASTRO
EDSON FLORES
RAY FULLER
JOSE ANTONIO GARCIA RIVERA (a/k/a
DOMINGO CASTILLO)
KARIM TAHIR GOLDING
ALEX HERNANDEZ
BAKHODIR MADJITOV
KENNETH MANNING
LANDRY (EMILY) MBENDEKE
TESFA MILLER
ALLEN ROGER OLANO ESPARZA
SERGIO QUITO
JOSEPH DEBONNAIRE SOHO
CHURVIN WEBSTER
Etowah Detention Center
827 Forrest Avenue
Gadsden, AL 35901,

Petitioners-Plaintiffs,

v.

DIANNE WITTE, *in her official capacity as
Interim New Orleans Field Office Director,*
U.S. Immigration and Customs Enforcement
1250 Poydras, Suite 325
New Orleans, LA 70113;

MATTHEW T. ALBENCE, *in his official
capacity as Deputy Director and Senior Official
Performing the Duties of the Director of the U.S.
Immigration and Customs Enforcement,*
U.S. Immigration and Customs Enforcement
500 12th St., S.W.
Washington, DC 20536;

Case No. 4:20-cv-596-RDP-JHE

IMMIGRATION AND CUSTOMS
ENFORCEMENT,
500 12th St., S.W.
Washington, DC 20536;

JONATHAN HORTON, *in his official capacity
as Sheriff of Etowah County,*
KEITH PEEK, *in his official capacity as Chief
Deputy,*
Etowah County Detention Center
827 Forrest Avenue
Gadsden, AL 35901,

Respondents-Defendants.

SUPPLEMENTAL DECLARATION OF BRYAN S. PITMAN

I, BRYAN S. PITMAN, make the following statements under oath and subject to the penalty of perjury:

1. I am a Supervisory Detention and Deportation Officer (SDDO), New Orleans Field Office, employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). In this capacity, I manage ERO personnel and provide oversight over ERO operations at the Etowah County Detention Center (ECDC), Gadsden, Alabama. I have been employed with ICE since March 2003. I have served as an SDDO since March 2013.
2. This declaration is based upon knowledge and information obtained from various records and systems maintained by DHS in the regular course of business. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry for the above captioned case.
3. ECDC is a county detention center run by the Etowah County Sheriff's Office (ECISO). ECISO is a law enforcement agency that provides the facility, management, personnel and services for the 24-hour supervision of the immigrant detainees in ICE custody at the ECDC.
4. As of May 12, 2020, there are a total of 571 detainees at ECDC. Of those 571, 112 individuals are ICE detainees. The remaining 459 individuals are county detainees.
5. Beginning on April 4, 2020, ICE began segregating newly admitted ICE detainees from the general population. As a result, ICE detainees are now housed across multiple units.

6. As of May 12, 2020, ICE detainees are housed in 5 locations, as follows:
 - 4 ICE detainees are housed in the booking area awaiting cell assignment in a quarantine unit.
 - 1 ICE detainee is housed in Unit 1 for quarantine after being returned from a local hospital for an EKG.
 - 1 ICE detainees is housed in Unit 2 for quarantine after testing positive for COVID-19
 - 10 ICE detainees are housed in Unit 3 for a 14-day quarantine following their initial intake.
 - 96 ICE detainees are housed in Unit 9 as long-term detainees.
7. Under its contract with Etowah County, ICE is permitted to house up to 320 detainees at the facility. The total capacity of each unit is approximately 110.
8. As noted in my May 4, 2020, declaration, there is one confirmed positive COVID-19 case in the ICE detainee population at ECDC. The detainee was transferred to ICE custody from Montgomery County, Alabama, on April 21, 2020, and has not been detained at any other ICE facility. He received a positive test result on April 30, 2020 while in quarantine. He remains quarantined and medially isolated in Unit 2. He has not moved from the quarantine unit to any other unit and has had no contact with any other detainees at the facility. His contact with staff has been limited to the procedures described in paragraphs 15 and 16 of my May 4, 2020, facility declaration, ECF 11-1.

9. ICE has reviewed its “at risk population” to include the elderly, detainees with compromised immune systems, and those with chronic care conditions, to ensure that when detention is mandated, it is done so in a safe, humane, and appropriate environment given the circumstances. Custody determinations are made on a case-by-case basis given the totality of circumstances to include, among other factors, the public safety risk that such release could create, flight risk, and the requirement to detain certain aliens under law. *See* Section 236 of Act, 8 U.S.C. § 1226. ICE will continue to review its “at risk population” in the days and weeks ahead when deciding whether any detainees should be released from custody. As of May 13, 2020, ICE has released 3 detainees from the Etowah County Detention Center as a result of individual custody reviews conducted as part of ICE’s COVID-19 response.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and based on information obtained from other individuals employed by ICE.

DATED: May 13, 2020



Bryan S. Pitman
Supervisory Detention and Deportation Officer
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement